

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
15000 SURVEYOR BLVD SUITE 100  
ADDISON, TX 75001  
(972) 386-5040

BDFTE# 00000004013462

Attorney for MIDFIRST BANK

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:	§ CASE NO. 12-70485-HDH-13
	§
TONYA DEANN CAMPBELL,	§
Debtor	§ CHAPTER 13
	§
MIDFIRST BANK,	§
Movant	§ HEARING DATE: 02/12/2014
	§
v.	§ TIME: 10:30 AM
	§
TONYA DEANN CAMPBELL;	§
WALTER O'CHESKEY, Trustee	§
Respondents	§ JUDGE HARLIN D. HALE

**MOTION OF MIDFIRST BANK  
FOR RELIEF FROM STAY OF ACTION AGAINST DEBTOR(S) PURSUANT TO 11  
U.S.C. § 362(a) AND WAIVER OF THIRTY DAY REQUIREMENT PURSUANT TO  
§ 362(e)**

**NOTICE - RESPONSE REQUIRED**

**PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS  
REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY  
BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT  
MAY BE ENTERED BY DEFAULT.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE  
UNITED STATES BANKRUPTCY COURT AT EARLE CABELL U.S.  
COURTHOUSE, 1100 COMMERCE STREET, IN ROOM 1254, DALLAS, TX  
75242-1003 BEFORE CLOSE OF BUSINESS ON FEBRUARY 06, 2014, WHICH IS AT  
LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE  
SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR  
EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A  
DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT  
CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, MIDFIRST BANK, by and through the undersigned attorney, and moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. §362(d) in accordance with Rule 4001 of the Bankruptcy Rules.

2. On or about December 21, 2012, Debtor (hereinafter "Debtor") filed a petition for an order of relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C.

3. At the time of filing the Chapter 13 petition, Movant held a Note executed on January 28, 2000, by EDWARD R. CAMPBELL and TONYA DEANN CAMPBELL in the original amount of EIGHTY-THREE THOUSAND SEVEN HUNDRED NINETY-THREE DOLLARS AND ZERO CENTS (\$83,793.00) with interest thereon at the rate of 8.500% per annum. A true and correct copy of the Note is attached hereto as Exhibit "A".

4. The indebtedness is secured by a Deed of Trust dated January 28, 2000 and executed by EDWARD R. CAMPBELL and TONYA DEANN CAMPBELL on real estate with all improvements known as:

LOT NUMBER TWELVE (12), BLOCK NUMBER TWELVE (12), SECTION SIX (6), MIDWESTERN FARM SUBDIVISION, AN ADDITION TO THE CITY OF WICHITA FALLS, WICHITA COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 23, PAGE 298-299, WICHITA COUNTY PLAT RECORDS.

A true and correct copy of the Deed of Trust is attached hereto as Exhibit "B".

5. Debtor has failed to maintain current the post-petition payments due under the Note and is presently in arrears for 4 payments through and including the January 1, 2014 payment.

6. The outstanding indebtedness to Movant is \$51,609.19 principal plus accrued interest, late charges, attorneys fees and costs as provided in the Note and Deed of Trust.

7. In accordance with the terms of the Note and Deed of Trust, Movant would allege that it is entitled to reasonable post-petition attorneys fees, including, but not limited to, fees, if any, for the preparation and filing of a proof of claim and fees and costs for the filing of this Motion for Relief from Stay.

8. Debtor has failed to provide adequate protection to Movant which constitutes cause to terminate the automatic stay of 11 U.S.C. §362(a).

9. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Deed of Trust.

10. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant's Motion for Relief.

11. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court enter an order, after notice and hearing, terminating the automatic stay as to Movant; alternatively, Movant be made whole by having all post-petition payments brought current. Movant further prays that the Court waive the provision of Rule 4001 (a) (3) and that MIDFIRST BANK be permitted to immediately enforce and implement any order granting relief from the automatic stay; that Movant be awarded its reasonable post-petition attorneys fees and expenses for this Motion; and, that Movant be granted such other and further relief as is just.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

BY: /s/ DONNA WILKINSON

1/23/2014

---

DONNA WILKINSON

TX NO. 24084098

15000 SURVEYOR BLVD SUITE 100

ADDISON, TX 75001

Telephone: (972) 386-5040

E-mail: NDECF@BDFGROUP.COM

ATTORNEY FOR MOVANT

**CERTIFICATE OF CONFERENCE**

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, represents the creditor on the foregoing Motion. The undersigned, an attorney, employed by BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, states that prior to filing the foregoing motion he/she did the following:

Made a good faith effort to negotiate a settlement of the dispute with Debtor's Counsel and/or the Trustee.

NOTES: D.Wilkinson left a voice message for the Debtor's Attorney regarding the foregoing Motion. The Motion is deemed opposed.

Date of Conference Call: January 21, 2014 1:56 p.m.

BY: /s/ DONNA WILKINSON 1/23/2014  
DONNA WILKINSON  
TX NO. 24084098  
15000 SURVEYOR BLVD SUITE 100  
ADDISON, TX 75001  
Telephone: (972) 386-5040  
E-mail: NDECF@BDFGROUP.COM  
ATTORNEY FOR MOVANT

**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2014, a true and correct copy of the foregoing Motion for Relief from Stay was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

/s/ DONNA WILKINSON 1/23/2014

DONNA WILKINSON  
TX NO. 24084098  
15000 SURVEYOR BLVD SUITE 100  
ADDISON, TX 75001  
Telephone: (972) 386-5040  
E-mail: NDECF@BDFGROUP.COM  
ATTORNEY FOR MOVANT

**DEBTORS:**

TONYA DEANN CAMPBELL  
4 ROCK ISLAND  
WICHITA FALLS, TX 76308

TONYA DEANN CAMPBELL  
NO. 4 ROCK ISLAND CIRCLE  
WICHITA FALLS, TX 76308

**CO-DEBTORS:**

EDWARD CAMPBELL  
4 ROCK ISLAND CIR  
WICHITA FALLS, TX 76308-4423

EDWARD CAMPBELL  
NO. 4 ROCK ISLAND CIRCLE  
WICHITA FALLS, TX 76308

**TRUSTEE:**

WALTER O'CHESKEY  
6308 IOLA AVENUE  
LUBBOCK, TX 79424

**US TRUSTEE:**

1100 COMMERCE STREET, ROOM 976  
EARLE CABELL FEDERAL BLDG  
DALLAS, TX 75242

**DEBTOR'S ATTORNEY:**

MONTE J WHITE  
1106 BROOK AVENUE  
WICHITA FALLS, TX 76301

**PARTIES IN INTEREST:**

CITY OF WF, WFISD, WICHITA CO  
C/O HAROLD LEREW  
P.O. BOX 8188  
WICHITA FALLS, TX 76307

**PARTIES REQUESTING NOTICE:**

None